

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

3:15-CR-30118-RAL

Plaintiff,

vs.

MICHAEL LEE LONG JR.,

Defendant.

**ORDER REQUIRING BRIEF FROM
UNITED STATES ON MOTION TO SEIZE
PORTION OF INMATE TRUST ACCOUNT**

On January 24, 2022, the United States filed a Motion to Authorize Payment from Inmate Trust Account, seeking to have a portion of Defendant’s inmate trust account seized to pay an outstanding unpaid restitution balance of \$2,236.81. Among other things, the United States refers to 18 U.S.C. § 3664(n) in support of its motion, emphasizing the “from any source” provision. The United States does not cite the recent Eighth Circuit decision in United States v. Kidd, No. 20-2616, 2022 WL 90206 (8th Cir. January 10, 2022), which gave a restrictive reading to the “from any source” language of § 3664(n) and vacated and remanded a district court order to seize a portion of an inmate trust account to satisfy a restitution award. In the wake of the Kidd decision, the motion filed by the United States presents an issue of law, such that a brief should be filed explaining why, notwithstanding the recent Kidd decision, this Court should grant the motion to authorize payment from Defendant’s inmate trust account. Therefore, it is

ORDERED that the United States has seven days from this order to file a brief in support of the motion to authorize payment from inmate trust account specifically addressing the ramifications of the Eighth Circuit decision in Kidd on the pending motion.

DATED this 25th day of January, 2022.

BY THE COURT:


ROBERTO A. LANGE
CHIEF JUDGE